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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,526	06/30/2004	Robert Francis Rickards	RFR-1	6403

7590 12/28/2005  
Ira S Dorman  
330 Roberts Street  
Suite 200  
East Hartford, CT 06108

EXAMINER
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BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/500,526	RICKARDS, ROBERT FRANCIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gwendolyn Baxter	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

This is the first office action for application serial number 10/500,526, Book Reading Aid filed June 30, 2004.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, the pronoun "its" should be replaced with the pronouns proper noun to avoid any ambiguity. A similar problem occurs in claim 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,061,969 to Lunday. Lunday teaches a device including an elongate member (10, 11), end-pieces (30, 30a), and a spring element (33). The elongate member is for spanning and supporting the cover or an open book (50). The elongated member has arms (31, 31a) projecting from opposite ends. The end-pieces are formed

as separate components having pivotal connections (not numbered) with the arms, whereby the end-pieces are mounted to move pivotally relative to the elongate member. The end-pieces include finger portions (the portion of 30, 30a that directly contacts the book) directed inwardly towards each other at opposite ends of the elongate member. Lever portions (near 30 and 30a) project outwardly to the opposite side of the respective pivotal connection, wherein the finger and lever portions together are generally in the shape of a plane which has been curved in one dimension. Each of the end-pieces is provided with a respective spring element (33) having an end which bears against the end-piece to urge the respective finger portion towards the elongate member to press against the pages of the open book. Each spring element has an end which bears against the respective arm. The finger and lever portions are in the form of a curved strip which extends towards the opposite end-piece. Each end-piece includes a pair of spaced walls (located on the exterior of each side of the spring) and each spring element is in the form of a coil spring mounted on a pivot pin extending between the pair of spaced walls to pivotally secure the end-piece to the respective arm. An end of each finger portion has a substantially straight margin which extends substantially parallel to the axis of the pivotal connection. The end of the finger portion is arcuately curved in a plane which is normal to its length. The elongate member includes inner and outer telescopically-engaged elements (25, 25a) whereby the distance between the end-pieces can be adjusted. The elongate member includes a platform element (11) and an underside of the platform is provided with means (10) for engagement with the outer telescopically-engaged element. Although the arms are angularly disposed with respect

to the elongate member, Lunday fails to teach the arms projecting inwardly. It would have been obvious matter of design choice to have one of ordinary skill in the art at the time the invention was made to have modified the arms as taught by Lunday by having the arms to project inwardly, since applicant has not disclosed having the inwardly projecting arms solves any stated problem or is for any particular purpose and it appears that the arms would perform equally well with the arms not projecting inwardly.

### ***Conclusion***

Bynon 264,623; Jaggars 994,404; Burnett 1,038,280; Giese 1,919,835; Brunnell 5,102,087; and Chou 5,120,014 teach a device for facilitating the reading of a book by holding the pages in an open position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gwendolyn Baxter".

Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

December 10, 2005